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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,233

01/19/2007

Juichi Kasai

1796-0162

1899

6449

7590

05/13/2010

ROTHWELL, FIGG, ERNST & MANBECK, P.C.

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WASHINGTON, DC 20005

EXAMINER

SELLS, JAMES D

ART UNIT

PAPER NUMBER

1791

NOTIFICATION DATE

DELIVERY MODE

05/13/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-PAT-Email@rfem.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/580,233	<b>Applicant(s)</b> KASAI, JUICHI	
	<b>Examiner</b> James Sells	<b>Art Unit</b> 1791	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 February 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-27 is/are pending in the application.
- 4a) Of the above claim(s) 18-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>05/22/2006</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of claims 15-17 in the reply filed on 02/04/2010 is acknowledged. The traversal is on the ground(s) that groups I and II include common special technical features. This is not found persuasive because Group I has the special technical feature of the method of forming a zipper having engaging portions with a peelable plastic layer on the plastic zipper engaging portions, wherein an ultrasonic horn and anvil are held at a specific distance range for welding the peelable layer to the engaging portions. Group II has the special technical feature of a zipper having male and female hooks on the surfaces of the plastic films, wherein a readily peelable plastic layer is located and joins the tip portion of the male hook to the valley surface portion of the female hook. Group I does not require the special technical feature of the hooks on the zipper as defined in the Group II invention. Group II does not require the special technical feature found in Group I, i.e., the use of an ultrasonic horn and anvil held at a specific distance range for welding the peelable layer to the engaging portions.

The requirement is still deemed proper and is therefore made FINAL.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Delisle (US Patent 6,780,263) in view of Wannebo (US Patent 5,749,987).

Delisle discloses a method for producing zippered bags. As shown in Figs. 1-2, zipper tape 8 is fed between portions of web 2. The materials are sealed by sealing bars 12a-b and 14a-b and rotary ultrasonic horn 26 and anvil 28. See col. 3, lines 18-55 and col. 5, lines 5-41.

However, Delisle does not disclose maintaining the distance between the ultrasonic horn and anvil at a uniform distance. Regarding this difference, the applicant is directed to the reference of Wannebo.

Wannebo discloses a method for ultrasonic welding. As shown in the figure, ultrasonic horn 2 cooperates with rotary anvil 3 to weld materials 5 and 6 together. Horn 2 is mounted on rack 7 connected to cog wheel 8 and motor 9. Controller 10 controls the vertical position of the horn and thus controls the distance between the horn and anvil (see col. 2, lines 32-59). In addition, it appears the distance between the horn and anvil is about the same as the thickness of the materials 5 and 6 being welded which meets the limitation of  $H \geq L \geq 0.85H$ . Wannebo further discloses controlling the material speed in order to maintain uniform weld joint quality (see col. 3, lines 27-48).

It would have been obvious to one having ordinary skill in the art to maintain the distance between the ultrasonic horn and anvil between  $H \geq L \geq 0.85H$ , as taught by Wannebo, in the method of Delisle in order to provide the predictable result of applying a desired amount of pressure to the materials during the welding operation in order to

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effect bonding. In addition, it would have been obvious to one having ordinary skill in the art to control the speed of the materials, as taught by Wannebo in order to provide the predictable result of maintaining uniform weld joint quality

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 16-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 16, line 2, "the adhesion intensity" lacks antecedent basis in the claims.

Claim 17, line 3, "the female hook" lacks antecedent basis in the claims.

***Telephone/Fax***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sells whose telephone number is (571) 272-1237. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Phil Tucker can be reached on (571) 272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James Sells/  
Primary Examiner, Art Unit 1791